

STATEMENT OF
JOHN C. BOLLINGER, DEPUTY EXECUTIVE DIRECTOR
PARALYZED VETERANS OF AMERICA
BEFORE THE
SENATE COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION
CONCERNING
“ELECTION REFORM”

MARCH 7, 2001

Mr. Chairman, Senator Hollings, Members of the Committee on Commerce, Science and Transportation, it is an honor and privilege for me to appear here today on behalf of the Paralyzed Veterans of America (PVA). I am John C. Bollinger, Deputy Executive Director of PVA. PVA is a Congressionally chartered Veterans Service Organization with over 20,000 members. Our members are honorably discharged veterans of the United States Armed

Services who have incurred spinal cord injury or disease resulting in paralysis. Virtually all of our members use wheelchairs for mobility and all are individuals with disabilities as defined by the Americans with Disabilities Act (ADA).

Today's hearing is timely, as complications in the 2000 elections led to this Congressional call for election reform. Many citizens, including voters with disabilities, felt that because of outdated voting machines and ballot confusion, their votes were not counted. This Committee must ensure that all voters, including those with disabilities, have access to an effective voting process.

PVA has a long history of advocating for the right to vote. Our members know first hand, as do all veterans who served our country, the sacrifices that must be made to safe guard our democracy. We ask now that members of this Committee ensure that PVA members and others with disabilities are able to vote with the same privacy, dignity and independence as all other Americans.

PVA last testified in 1994 before the then House Subcommittee on Elections on the final oversight hearing of the Voting Accessibility Act of 1984 (VAA). This Act's intent was to improve access to voting for people with physical disabilities by removing architectural barriers at polling places and voter registration facilities. But ten years later, the Federal Election Commission (FEC) testified at that hearing, "14 percent of the precincts, close to 20,000 polling places, were physically inaccessible to voters with disabilities." This statistic represents

serious disenfranchisement of thousands of voters with physical disabilities. The primary barriers noted were lack of accessible parking, inadequate directional signage, unramped stairs, and high thresholds – all barriers that are not difficult or expensive to remove. In PVA’s testimony, we recommended that the FEC continue to monitor the progress of compliance with VAA and, with technical assistance from the Access Board, develop standards for access.

Mr. Chairman, during the 106th Congress, you introduced legislation to eliminate barriers that people with disabilities face in the electoral process. The bill, S. 511, would have expanded the coverage of the Elderly and Handicapped Voting Accessibility Act of 1984 so that all people with disabilities were protected from discrimination. It states that all polling places are to be physically accessible, and that all polling methods permit individuals who are blind or visually impaired to vote independently. S. 511 directed the Access Board to develop minimum guidelines for states to determine accessible standards in polling places and methods.

Enforcement provisions of the Act designated State Chief Election Officers as the party responsible for ensuring compliance with the Act. PVA worked closely with your staff to sculpt this legislation and we stand ready to work with you on introduction of similar legislation in the 107th Congress.

The introduction of S. 511 seemed to be a “wake up call” to the election community about their responsibilities to provide access to voters with disabilities. As a result the “National Task Force on Elections Accessibility” was formed. Lee Page, Associate Advocacy Director for PVA, and Gary Bartlett, Chief Election Officer for the State Board of Elections of North

Carolina, co-chaired the task force for the last two years. The task force, through collaboration of election officials and disability advocates, produced tools to better educate election officials on the requirements of the Voting Accessibility Act and the Americans with Disabilities Act (ADA.)

The Task Force published the guidebook “Voting: A Constitutional Right for All Citizens” to assist election officials to achieve equal access for all citizens. This report is based on a document originally published in 1986 by the National Organization on Disability. The guidebook lists the goals and principles of the National Task Force, which were jointly agreed upon by election officials and disability advocates. The primary principle states that voters with and without disabilities are equally entitled to the right to full participation in elections and to the privilege of casting their votes privately and independently. Further, no polling place in the United States should be physically inaccessible to voters with disabilities. The task force also produced a “best practices” checklist to identify barriers at the polling place and an instructional video CD-Rom that identifies attitudinal barriers that discourage people with disabilities from voting.

Despite these voluntary efforts, barriers continue to prevent qualified people with disabilities from voting. In the 1996 election, 11.6 million Americans with disabilities (of 35 million registered) did vote. In that election, 50 percent of the general population voted, while only 30 percent of registered voters with disabilities actually voted. While some reasons for the low turnout are beyond the control of voting officials, e.g., a dependence on public transportation

and voter apathy, structural, technological and attitudinal barriers likely contribute to the 20% deficiency in voting by people with disabilities.

In 1999, PVA helped coordinate the Report of the National Voter Independence Project as a member of the Coalition for Accessible Political Elections. This report provides anecdotal reports from 377 voters with disabilities in 40 states of barriers they encountered in the November 1998 elections. The survey focused primarily on aspects of accessibility, the overall experience in voting, and whether respondents had any difficulty in registering to vote. 11% reported locations with no accessible path to the facility. 42% reported no accessible voting booths and inability to use standard booths. This report also indicates a tremendous problem for voters who are blind or visually impaired – 81% had to rely on others to mark their ballot for them. The report concludes that, to achieve equal access, all polling places need to be physically accessible to all people with disabilities, and voters who are blind or visually impaired must be able to vote independently and confidentially. Mr. Chairman, I request that this report and other related documents be included in the record.

Only a year ago, in February 2000, a federal court in New York State found that in two counties every polling place except one was physically inaccessible. In March 2000, the Philadelphia City Paper reported that 1231 (73%) of the 1681 polling places in Philadelphia were physically inaccessible to voters with disabilities.

Information from the 2000 Presidential election relating to access is only anecdotal at this point. But just a few examples demonstrate barriers that existed only a few months ago. A citizen in Mansfield, Ohio reports, “There is no accessible path at my polling place...I have had to vote outside because I am a paraplegic and could not get in the door. But this was only after ‘making a fuss’ to the point where law enforcement was called because poll workers would not bring a ballot out to me in the snow (just outside the door) so I could vote... Voting in Ohio has been a horrible experience for me ever since I moved here.” From Oakland, California, “The polling place is up a driveway with uneven pavement and grass and bumps. The actual place is in a garage, and there were no booths at the right height for a person in a wheelchair or scooter. So I had to ask my personal care attendant to go into the inaccessible booth for me, and I had to tell her my choices from outside the booth. I was not happy about it because it did not give me my privacy or independence.” In Allentown, Pennsylvania, “It is degrading and humiliating to have one of the officials go in the booth with you and then speak real loud so everyone in the room and waiting line can hear her announce each candidate. Even though I whisper my answers I feel very ‘exposed.’ I have asked for consideration in this to no avail. The official in charge...now remembers my name, and says real loud, ‘You are legally blind, right?’ There is no attempt at privacy or dignity at all...Yet, I refuse to be bullied into accepting an absentee ballot and not able to vote with the mainstream.” In Orange Park, Florida, “The last time I went to my polling place, I had to go to a store room to fill out my ballot. I have a sight impairment and my care giver had to read the ballot to me. ...I requested a ballot for vision impaired and was told there weren’t any. ...I tried to speak to the poll manager, but he was too busy to speak with me. I spoke with the Supervisor of Elections and was told that larger

type ballots had never been asked for, so they don't provide them...I now use an absentee ballot, which is still not in print large enough for me to read without aid." Report of the National Voter Independence Project (2000 Draft). If the general public had to tolerate this type of treatment, no doubt the turnout would be as low, if not lower, than the 30% of voters with disabilities who go to the polls.

A 1998 NOD/Lou Harris survey of Americans with disabilities reports that 75 percent of people with disabilities have never been asked to register to vote by a service provider as required by the NVRA (Motor Voter Law). All too often people with disabilities are told that they should vote by absentee ballot or at the curb. Absentee ballots are not an adequate substitute for actually going to the polls, particularly when the voter is in the jurisdiction on election day. Further, this most recent election brought to light deficiencies in counting absentee ballots, again raising the possibility that the votes of people with disabilities who are encouraged to use this method do not count.

The structural and technological barriers discussed above are hardly insurmountable. Ramps, accessible booths (with privacy screens), easily maneuverable controls, and appropriate signage enable many voters with mobility impairments to vote independently. For people with vision impairments, easy solutions as simple as large print ballots and magnifying lenses will solve many problems. More advanced technology, even touch screen equipment, is now accessible to people with vision impairments. Legislation cannot overcome the attitudinal

barriers, but many disability organizations would willingly train polling place staff and volunteers to avoid this type of treatment.

Information on improving access is readily available. In 1996, PVA and Paradigm Design Group produced the report, “Ensuring the Accessibility of the Election Process”. This report, distributed by the FEC, provided information and guidance to election officials on access to the election process for people with disabilities. The publication explains relevant federal laws and provides applicable architectural guidelines. It demonstrates how to ensure polling place access, from accessible parking along an accessible path of travel to an accessible voting booth.

National organizations that are able to provide assistance are identified.

PVA believes that comprehensive voting systems standards that include accessibility design guidelines for people with disabilities, are needed. So many years after the Voting Rights Act, the Voting Accessibility Act, and the ADA, the purchase and use of new equipment that is not accessible to all is unacceptable.

In 1999, then Governor George W. Bush signed such a bill into law in Texas. The Texas Election Code requires all voting systems purchased after September 1, 1999, to comply with Section 504 of the Rehabilitation Act, the Americans with Disabilities Act, and to “provide a practical and effective means for voters with physical disabilities to cast a secret ballot.”

Requirements for accessibility and authorized methods for a secret vote are specified.

Many proposals to reform the electoral process are currently before this Congress. Reform will most certainly be enacted, and in sufficient time to affect the 2002 elections. Whether this reform is comprised of grants to purchase new voting technology, or the development of voting system standards, it must address full access for voters with disabilities. We request that any reform legislation include the development of accessibility guidelines. S. 511 proposed that the Access Board develop minimum guidelines; PVA encourages this Committee to include such a provision. These guidelines must provide for private and independent voting by voters with disabilities. We also urge that a single state election official be designated for compliance with the legislation.

We ask that in your considerations, this Congress take into account not only paralyzed veterans, but all people with disabilities who have the right to vote. Do not allow this opportunity to pass without addressing the needs of so many American citizens who deserve to be heard.